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5

6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**

8 \* \* \*

9  
10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 vs.  
RICARDO SANTACRUZ-BECERILL,  
13 MANUEL GUDINO-SIERRA,  
LUIS MIGUEL SAGRERO- ALBA, and  
14 HECTOR GONZALEZ-ALBA

15 Defendant.

**2:09-CR-00466-PMP-LRL**

MOTION TO EXTEND TIME  
REGARDING DISPOSITIVE MATTER

16 **CERTIFICATION: THIS MOTION IS TIMELY FILED.**

17 **COMES NOW** the defendant, **LUIS MIGUEL SAGRERO-ALBA** by and through his  
18 counsel, **MICHAEL P. KIMBRELL, ESQ.**, and hereby moves this Honorable Court for an order  
19 allowing an extension of time to file a Motion to Suppress Evidence based on counsel's appointment  
20 after initial counsel was appointed July 9, 2010 and Ripe Motion deadline was July 1, 2010 for  
21 defendant Sagrero-Alba. Due to the expiration of said Motion deadline before present counsel was  
22 appointed Defendant and his counsel has been deprived of equal time to file any motions necessitated  
23 by withdraw of prior counsel. This motion is based upon the attached memorandum of points and  
24 authorities, together with all relevant papers and pleadings on file herein, and any evidence and  
25 argument presented at the hearing.

26 **DATED** this 19<sup>th</sup> day of January, 2011.

27 Respectfully submitted,

28 /s/ Michael P. Kimbrell

MICHAEL P. KIMBRELL, ESQ.  
Counsel for Defendant

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. FACTS**

Current counsel was assigned as new counsel July 9, 2010 after prior counsel Motion to withdraw was granted July 8, 2010. The motion ripe deadline expired for Defendant LUIS MIGUEL SAGRERO-ALBA JULY 1, 2010. Current counsel required time to become familiar with the case and explored possibility of gaining a new offer for pleading guilty. However, after much time, client rejected any plea offer and preparation for trial began.

Current counsel gained a stipulation to extend the calendar call and trial dates based on his late appointment. Presently counsel has prepared a motion to suppress statements Defendant Sagrero-Alba is alleged to have made during the arrest. Current counsel discussed plan to seek such an exemption from the expired motion deadline.

**II. ARGUMENT**

Fundamental fairness and Sagrero-Alba's Sixth Amendment right to effective legal representation merit a granting of exemption from the expired deadline to file motions.

Further, defendant is anxious to have vigorous representation and does not oppose the time necessitated to file and argue said motion. It is anticipated that the time required to allow the government to reply and a final reply by Defendant should not interfere with the current calendar call and trial dates of March 9 and 15, 2011 respectively.

**III. CONCLUSION**

Based on the above argument, Mr. Sagrero-Alba requests this court enter an order granting an exemption to the expired motion deadline allowing for filing of Motion to suppress the testimonial evidence documented in the written arrest reports gained by an involuntary waiver of Mr. Sagrero-Alba's Miranda rights.

1 DATED this 19<sup>th</sup> day of January, 2011.

2 /S/  
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11 LUIS MIGUEL SAGRERO-ALBA

12 IT IS SO ORDERED.

13 

14 UNITED STATES MAGISTRATE JUDGE

15 DATED: 1-21-11